

## **Independent Contractor Exemptions A Final Report on Senate Bill 270**

### **Proposed IC Education Program – Focus on Control**

The Employment Relations Division (ERD) will solicit an advertising agency to create advertisements for radio and TV, billboard creation, and submit articles, written by DOLI staff, in newspapers around the state. Focus will be on the control factors, explaining what they are including some examples.

#### 4 factors of control identified by Montana Supreme Court

1. *Direct evidence of control or direction, or the right to control the worker*
2. *Furnishing of equipment*
3. *Method of payment, and*
4. *Right to fire.*

- A. Possible idea: A campaign focusing on a “Did you know?” theme.
- If you hire someone and provide valuable tools and equipment to them are they your employee?
  - If you hire someone and tell him or her not to come back tomorrow because they can’t show up to work on time are they your employee?
- B. Promote the use of the Memorandum of Understanding and contracts
- C. Billboards promoting the Website [www.mtcontractor.com](http://www.mtcontractor.com)  
The website has a description of what an independent contractor is, links to court cases identifying what is and is not an independent contractor, frequently asked questions, contact names, email addresses, administrative rules, and phone numbers.
- D. Real life stories
- A roofer fell through a roof and broke his ankle. The hole in the roof was covered only with felt. The cost so far - \$95,000, and the claim is not yet closed.
  - A laborer fell 12’ from scaffolding resulting in multiple injuries. Three years later a settlement was reached for \$68,000.
- E. Internet power point presentation
- F. ERD will create and present information upon request.
- |  |                                |
|--|--------------------------------|
| a. Building industry associations      | f. Human resource trainings    |
| b. Montana Contractor Association      | g. Union meetings              |
| c. Montana Chamber of Commerce         | h. Trade schools, high schools |
| d. Job service briefings and trainings | i. Human resource trainings    |
| e. Briefings / Town meetings           |                                |

Proposed IC Education Program continued  
Page Two

- G. ERD will write articles for distribution in statewide newspapers, association newsletters, and bulletins.
- H. Update IC brochure. Focus will be on definition of IC, control factors, independent business, penalties, and how to obtain a certificate.
- I. Home shows around the State of Montana  
Bozeman, Helena, Kalispell, Billings, Missoula, Butte, Great Falls